

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 3439 – HB 3691

March 23, 2010

SUMMARY OF AMENDMENT (015553): Deletes the language of the original bill. Adds provision stating bail for persons with severe and persistent mental illness may be paid by a responsible substitute instead of the mentally ill person. Requires law enforcement officers who believe a defendant arrested for an offense against a person poses a substantial likelihood of serious harm to request an examination of the defendant by a member of a community mental health crisis response service to determine if the defendant is subject to admission to a hospital or treatment resource. The examination must be completed within 12 hours or the defendant shall be allowed to admit bail.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – Exceeds \$10,000*

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase Local Expenditures – Not Significant

Assumptions applied to amendment:

- According to the Department of Mental Health and Developmental Disabilities, contracts are already in place with crisis response services. In rural areas, existing resources may not provide for examinations to be completed within 12 hours, so defendants will be allowed to admit bail. This legislation will not have a fiscal impact on state government.

- Any increase in local government expenditures as a result of this legislation is estimated to be not significant. Additional procedures and paperwork can be accomplished with existing resources.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/kmc